

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Promoting Expanded Opportunities for Radio	)	
Experimentation and Market Trials under Part 5 of	)	ET Docket No. 10-236
the Commission's Rules and Streamlining Other	)	
Related Rules	)	
	)	
2006 Biennial Review of Telecommunications	)	
Regulations – Part 2 Administered by the	)	ET Docket No. 06-105
Office Of Engineering and Technology (OET)	)	

**COMMENTS OF APCO**

The Association of Public-Safety Communications Officials-International, Inc. ("APCO") hereby submits the following comments in response to the Commission's *Notice of Proposed Rulemaking*, FCC 10-197, released November 30, 2010 ("*NPRM*"), in the above-captioned proceedings.

Founded in 1935, APCO is the nation's oldest and largest public safety communications organization. Most APCO members are state or local government employees who manage and operate communications systems for police, fire, emergency medical, forestry conservation, highway maintenance, disaster relief, and other public safety agencies. APCO is the largest FCC-certified frequency coordinator for Part 90, Public Safety Pool channels, and appears regularly before the Commission on a wide range of public safety communications issues.

The Commission is proposing a variety of rule modifications to facilitate and streamline experimental licensing. In general, APCO has no objection to such proposals, as the result could be improved telecommunications technologies, some of which could benefit public safety users.

However, APCO urges that the revised rules continue to include safeguards against interference to critical public safety communications systems.

The *NPRM* includes proposals for new experimental licensing provisions for universities and research institutions. In that context, in paragraph 28, the Commission notes that “under our existing rules, experiments must avoid use of public safety frequencies except when a compelling showing can be made that such use is in the public interest” and that “operation on public safety frequencies must also be coordinated.” These provision must continue to apply to the new, broader experimental licenses being proposed. The danger of harmful interference to public safety communications exists regardless of the nature of the experimental license.

Paragraph 31 of the *NPRM* contains several specific proposals and questions regarding the interference protection that must be provided by university and research campus licensees. The Commission proposes that “for tests that affect bands used for the provision of commercial mobile services, emergency notifications, or public safety purposes on the institution’s grounds, the licensee first develop a specific plan that avoids interference to these bands.” APCO agrees, though the requirement needs to be broadened to include “public safety purposes on *or near* the institution’s grounds.” Such grounds are often near residential, commercial, and transportation sectors in which public safety communication could be impacted by experimental operations. As set forth in the *NPRM*, the licensee’s plan to avoid interference would

- 1) provide notice to those who might be affected by the test; 2) allow for the quick identification and elimination of any harm the experiment is causing users, and 3) in the case of vital public safety functions, provide an alternate means for accomplishing such tasks during the duration of the experiment.

APCO agrees with that proposal, and that “the holder of the research program experimental radio license submit this plan to the Commission in conjunction with the registration it submits at least seven days prior to commencement of any test or

experiment” and that the plan be publicly available. In addition, the licensee should be required to specifically notify licensees in affected bands and obtain prior concurrence (at least for public safety bands).

These same interference protections should apply to the Commission’s proposed “innovation zone licenses” as discussed in paragraph 44 of the *NPRM*. The potential for dangerous interference from experimental operations in such innovation zones is the same as in other experimental license situations.

### **CONCLUSION**

For the reasons set forth above, APCO urges that any modification to the experimental licensing rules maintain strict requirement designed to prevent interference to public safety communications.

Respectfully submitted,

/s/

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